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Hon. Marc Barreca
Chapter 7

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re:	}	NO. 10-23826
Michelle Catherine Merceri,		DEBTOR'S RESPONSE TO MOTION TO SELL RESIDENCE
Debtor.		

Michelle Merceri, debtor herein, by and through counsel responds to the Motion to Sell Residence as follows:

1. The original Order Authorizing Sale was entered on November 7, 2011. It is now August, 2012. The sale was made subject to the approval of Bank of America. Almost 10 months later, there is still no agreement with Bank of America and there does not appear to be any likelihood of an agreement in the foreseeable future.

2. The debtor's position has changes substantially during the past year. At the time of the motion she was the defendant in three adversary proceedings objecting to her discharge, involved in two potential criminal investigations, and unable to find any employment. This has changed.

3. There has been an indictment in one of the criminal investigations. In that indictment she was named as a victim. It appears that the statute of limitations is running on the other one, however, documents now discovered in the McDowell law suit provide substantial proof of innocence.

4. Ms. Merceri has been successful defeating one adversary with a Summary Judgment order in her favor. She has settled the 2nd one. The third one is currently set for hearing on September 7, however, three (3) of the four (4) plaintiffs are now seeking dismissal

DEBTOR'S RESPONSE TO
RENEWED MOTION TO SELL - 1
resp to sale motion.wpd

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1 without prejudice. At the last hearing the judge remarked that the plaintiff's case seems to be
2 imploding.

3 5. In spite of the terrible slander, and defamatory reports made by various creditors
4 and their attorneys, Ms. Merceri has worked to put her life back on track. She is currently
5 working on transactions that, if successful, will allow her to seek a modification and keep her
6 residence.

7 6. There is a homestead exemption of approximately \$11,000 in the property. This
8 is the federal homestead pursuant to § 522 that has not been objected to. The sale does not
9 satisfy payment of the debtor's homestead.

10 7. The debtor is willing to agree to a resolution that would allow the trustee to keep
11 the proceeds for time spent on this and pay something to creditors.

12 8. At a minimum, the court should give the trustee a date by which time he has either
13 obtained all the permission necessary or to close the sale or, alternatively, this transaction must
14 be ruled dead.

15 Dated this August 13, 2012

16 /s/ Marc S. Stern
17 Marc S. Stern
18 WSBA 8194
19 Attorney for Debtor
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